

Williston Development Review Board (DRB) Staff Report

Application Stage: Discretionary Permit	Hearing Date: January 9, 2018
Application No: DP 18-13	Project Name: Blondin Brothers Auto Body Landscaping
Property Address: 992-998 South Brownell Road	Zoning District: Industrial Zoning District West (IZDW)
Tax Parcel #: 07:003:035.000	Existing Lot Size: 1.9 Acres



Overview:

This is a request for discretionary permit to modify front yard landscaping at Blondin Brother Auto Body located at 992-998 South Brownell Road in the Industrial Zoning District West (IZDW). The property is developed and operates as an automotive body shop (NAICS code 81112). WDB Table 36.A lists Repair and Maintenance (NAICS 811) as an allowed use in the Industrial Zoning District West (IZDW).

The applicant is proposing to remove trees within front yard landscaping along the eastern property line adjacent to South Brownell Road to increase visibility form the street. The applicant proposes to remove all conifer trees (13 Austrian pines) and 1 deciduous tree as well as prune lower limbs of remaining deciduous trees. The trees are located on an existing earthen berm. The subject parcel is adjacent to industrial uses to the west and south, and a vacant industrial property to the north, and a sidewalk and public road to the east. Across South Brownell Road from the parcel are 3 residential lots and a church.

Project History:

This is the first time this proposal is to be reviewed by the DRB. A pre-application review is not required for this project due to the scale of the proposed project.

- This parcel was created under SUB-86-24 as Lot #2 of Production Park, approved on July 9, 1985.
- A conditional use permit, CU-95-13 was approved for an industrial building on December 5, 1994.
- The existing site plan, SP-95-12, was approved by the Planning Commission on February 6, 1996 for a 14,000 SF industrial building with associated parking and landscaping. An administrative permit was issued July 22, 1996 for the construction based on SP-95-12.
- On November 28, 2017 an administrative sign permit was approved for the installation of a freestanding sign with the condition that tree removal is not permitted and will require DRB site plan approval. The location of the freestanding sign is north of the driveway on the berm between the parking lot and road.

PROJECT ELEMENTS:

Setbacks and Landscaping

The proposed Landscaping Plan is provided. The applicant proposes to remove all conifer trees (13 Austrian pines) and 1 deciduous tree as well as prune lower limbs of remaining deciduous trees. The plan identifies a 10-ft sidewalk right-of-way (ROW) deeded to the town. Staff notes that the applicant also shows removal of trees within the 10-ft ROW.

The parking lot is setback 50-ft from the property line, more than the minimum 35-ft required in the IZDW by WDB Chapter 36. Per WDB 36.3.4, the required setback must be landscaped as a Type I, III, or IV buffer. The current landscaping meets the requirements for a Type III buffer because it includes an earthen berm; however the standard landscaping standard today is different than when the site plan was originally approved.

WDB Chapter 23 requires industrial uses be buffered from the neighboring properties in the following ways:

Required Landscaped Buffers per WDB 23.A						
Existing Land Use	Adjoining Land Use		Type I Existing Vegetation	Type II Dense Plantings	Type III Informal Plantings	Type IV Formal Plantings
Industrial	East	Public Way	35-ft development setback with a “Street tree” section per WDB 26.			
	North	Industrial	50-ft	13-ft	9-ft	23-ft
	South	Industrial	50-ft	13-ft	9-ft	23-ft
	West	Industrial	50-ft	13-ft	9-ft	23-ft

The applicant is proposing buffers as follows:

Required landscaped Buffers per WDB 23.A						
Existing Land Use	Adjoining Land Use		Type I Existing Vegetation	Type II Dense Plantings	Type III Informal Plantings	Type IV Formal Plantings
Industrial	East	Public Way	35-ft development setback with a “Street tree” section per WDB 26.			
	North	Industrial	No changes proposed			

	South	Industrial	
	West	Industrial	

The Type III and Type IV buffers are defined in WDB 23.3 as follows:

23.3 Landscaped Buffers

23.3.2.4 Type III – Informal Plantings. A Type III landscaped buffer must be composed of a planted area that includes a ground cover, a partial understory of shrubs and small trees, and major trees. The minimum density of planting per 100 feet of buffer shall be a full ground cover, two major trees, three ornamental or understory trees, and any combination of shrubbery or flower beds that occupies at least 50% of the area at the time of planting. This type of buffer can be used in many circumstances. The DRB may require an earthen berm, a screening fence or wall, and/or additional plant materials where the uses being separated are substantially different in intensity. The buffer width reduction provided for in WDB 23.3.3 shall be given where the DRB requires a berm or fence.

23.3.2.5 Type IV – Formal Plantings. A Type IV landscaped buffer is a park-like landscaped area that includes a ground cover of turf and major trees. It may also include ornamental trees, shrubs, flowers, and planters. Plantings are usually evenly distributed, although an artistic departure from pattern may be permitted. The minimum density of planting per 100 feet of buffer shall be: a full ground cover of turf and three major trees. This type of buffer is most appropriate between uses of similar intensity or along public ways. It does not include a berm or a fence.

Chapter 23 landscaping requirements for public roads are explained by Chapter 26:

23.6 Landscaping Setbacks from Roads

23.6.1 *Is landscaping required along public and private roads?* Almost always. Chapter 26 of this bylaw requires street trees along both sides of new roads, public or private, and along the existing road frontage of redevelopment projects. A landscaped front setback area is also required in most zoning districts.

Street Trees

Street tree standards are defined in WDB Chapter 26. The applicant must maintain, at minimum, 1 tree at least every 40-ft along South Brownell Road, per WDB 26.2.1.4. Per WDB 26.1.3, street tree plantings may be considered a Type IV buffer. Street trees are required along existing road frontage of redevelopment projects.

26.1 Purpose – Applicability

26.1.3 *How do these requirements interact with other requirements of this bylaw?* Street tree plantings may be considered a Type IV Buffer as described in WDB 23.3 and may, therefore, fulfill a portion of a development’s overall landscaping requirements. Street trees must be shown on the landscaping plan required in WDB 23.1.3 and on the runoff and erosion control plans required by WDB 29.4.1.

26.2 Planting Strip Design

26.2.1 *Are there standards for design of the planting strip in which trees are to be installed?* Yes. The following standards must be met when planning for installation of new street trees. Sample cross sections of planting strips are provided in the *Public Works Standards*.

26.2.1.4 Spacing: Other Developments. In nonresidential developments, street trees must be planted at least every 40 feet along the road.

Parking Lot Landscaping:

23.5 Landscaping Parking Lots Parking lots are subject to the same buffering requirements as the uses they serve. These standards call for additional landscaping within larger parking lots.

23.5.1 Is landscaping required within parking areas?_Yes.

23.5.1.1 5% Landscaping. Parking areas that include more than 24 spaces shall be broken up by landscaped islands or medians that occupy a minimum of five percent (5%) of the parking area.

Per WDB 23.5, the parking lot is existing nonconforming. The site plan provided indicates a combined total of 30 parking spaces, above the threshold of 24 spaces, and does not show landscaping, such as an island or median, within the parking lot area. For properties with existing nonconformities, the DRB can require additional parking lot landscaping to bring it into compliance with current standards.

Comments from Public Works, Fire Department, and Police Department

This project was reviewed by the police, fire, and public works departments. The Police Department had no comments on the application.

The Fire department commented on December 19, 2017 as follows:

The Town of Williston Fire Department Plan Review Standard (Standard) dated March, 2013 was adopted by the Williston Selectboard on June 17, 2013. Contained within this Standard are a number of requirements including;

*SIGNAGE Building and mailbox marking per Town Ordinance
Gas and Sprinkler (if applicable) connections marked with signage
The applicant will need to ensure that this section of the Standard is met.*

The Department of Public Works commented on December 11, 2017 as follows:

- 1. Trees in the Town's ROW cannot be removed.*

Staff Comments

The applicant has identified trees within the 10-ft sidewalk right-of-way to be removed. Landscaping within the town ROW cannot be removed per DPW comments. The provided landscaping plan is dated February 6, 1997. The provided landscaping schedule identifies small flowering trees, dogwoods, and Rugosa rose trees that do not appear in the provided photographs. A new survey may be needed to locate current vegetation and the 10-ft ROW. The parking lot is existing nonconforming and additional parking lot landscaping can be required to bring the parking lot into compliance.

Recommended Action

Staff recommends approval of this discretionary permit with recommended findings of fact, conclusions of law, and conditions of approval as provided below.

Findings of Fact

1. The applicant is proposing to maintain the existing use of an automotive body shop. This use is coded in the NAICS as 81112. WDB Table 36.A lists Repair and Maintenance (NAICS 811) as an allowed use in the Industrial Zoning District West (IZDW).

2. The applicant has proposed to remove all conifers (13 Austrian pines) and 1 deciduous tree from the front yard landscaping and prune remaining trees.

Conclusions of Law

1. The existing use of this discretionary permit is an allowable use in the Industrial Zoning District West (IZDW).
2. The proposed development can meet the development standards of WDB Chapter 23 and Chapter 26 for the Industrial Zoning District West (IZDW) as well as all other applicable sections of the WDB if the proposed development meets the conditions of approval listed below.

Conditions of Approval

1. The applicant shall file final plans for approval and signature by the Zoning Administrator within one year from the date of the notice of determination of the decision of the DRB, or this approval shall be considered null and void as required by WDB 6.9.1. Final plans must address all of these conditions of approval and must include all items required by the Final Plans Checklist.
2. Final plans shall be in conformance with all of the WDB requirements and standards, and conditions of approval as required by the DRB. The final plans shall also address all comments and requirements identified in the following items:
 - a. Williston Public Works Department memo dated December 11, 2017.
 - b. Williston Fire Department memo dated December 19, 2017 and a written response to the department outlining the changes that were made in response to their comments.
3. The applicant shall not remove trees within the 10-ft right-of-way.
4. The applicant shall maintain, at minimum, 1 tree per every 40-ft along the road.
5. All landscaping, including street trees, shall be in compliance with the standards of WDB Chapters 23 and 26, and the Williston Public Works Standard Specifications, and these landscaping details shall be included in the landscaping plan submitted as part of final plans.
6. All development approved by this decision shall conform to the final plans unless authorized by the DRB as described in WDB 6.10.
7. Following the signing of final plans, the applicants shall first obtain an administrative permit(s) prior to starting any work proposed as part of this project.
8. In accordance with WDB 6.7.4, discretionary permits approved for non-residential development shall have one year from the date the final plans are signed to obtain administrative permits in accordance with the provisions of WDB Chapter 5, or the discretionary permit approval shall expire.
9. The applicant shall obtain any and all required permits and authorizations as required by either the State of Vermont or the U.S. Army Corps of Engineers prior to commencing any work in association with this project as specified by WDB 1.3.1, and shall provide documentation of any applicable state or federal permits.

10. This approval incorporates by reference all application forms and checklists, the plans and drawings presented by the applicant, and all verbal representations made by the applicant at the Development Review Board meetings and hearings regarding the subject application to the extent that they are not in conflict with other conditions or regulations WDB 1.3.4.
11. This decision runs with the land and is binding on any future owners, heirs, or assigns of the subject property.

PROPOSED MOTION

As authorized by WDB 6.6.3, I _____, move that the Williston Development Review Board, having reviewed the application submitted and all accompanying materials, including the recommendations of the town's staff and the advisory boards required to comment on this application by the *Williston Development Bylaw*, and having heard and duly considered the testimony presented at the public hearing of January 9, 2018, and the Findings of Fact and Conclusions of Law proposed by staff for the review of the DP 18-13, and approve this Discretionary Permit subject to conditions above.

This approval authorizes the applicant to file final plans, obtain approval of these plans from staff, and then seek an Administrative Permit for the proposed development, which must proceed in strict conformance with the plans on which this approval is based.